

**REMARKS**

Favorable action on the merits is requested in view of the foregoing amendments and the following remarks.

Claims 1, 3-13, 15-17, 20-22, 24, 25, and 28-31 were pending in this application when last examined. Claims 1 and 3-13 have been withdrawn as non-elected subject matter. Claims 15-17, 20-22, 24, 25, and 28-31 have been examined on the merits and stand rejected. No claims have been allowed.

By way of amendment, new dependent claims 32 and 33 have been added. Support can be found throughout the general disclosure, see for example, paragraph [0015], and claim 15. No new matter has been added.

Claims 1, 3-13, 15-17, 20-22, 24, 25, and 28-33 are pending upon entry of this amendment, and these claims define patentable subject matter warranting their allowance for the reasons discussed herein and in the last response.

Applicants respectfully traverse the obviousness rejections of claims 15, 16, 20, 22 and 28, 29, and 30 over Taranta in view of Aven, and claims 17, 21, 24, 25, and 31 over Taranta and Aven in view of Lubetzky, to the extent that the Examiner may wish to apply them to new claims 32 and 33. Claims 32 and 33 are believed to be novel and patentable over any combination of Taranta, Aven, and Lubetzky for the same reasons set forth in the traversals to these rejections set

forth in the November 2, 2010 response, which arguments are reiterated herein by reference. In addition, claims 32 and 33 are further patentable over the cited references for the following additional reasons.

In the final Office Action, the examiner argues that the present claims do not exclude the use of extra solvents, such as the co-solvents, as required by Taranta. As argued in the November 2, 2010 response, the examiner's position ignores the fact that Taranta's teaching of the need for polar co-solvents to prevent crystallization, and in particular, the specific ones used in the examples of Taranta, teaches away from the use of lactate esters altogether, since Taranta himself does not use or suggest lactate esters as the polar co-solvents. Thus, main claims 15 and 29 need not exclude the possibility of other ingredients in order to distinguish over the teachings in Taranta. Again, claims 15 and 29 are believed to be distinguishable over the cited references for the reasons set forth above and in the last response.

Please also see new claims 32 and 33. Claim 32 depends on claim 15 and specifies that the liquid pesticidal composition consists essentially of said one or more fungicides and said lactate ester. Claim 33 also depends on claim 15 but specifies that the only crystal growth inhibitor present is said lactate ester. These dependent claims of

different both exclude the other ingredients in Taranta. For this additional reason, claims 32 and 33 are further distinguishable over any combination of Taranta, Aven, and Lubetzky. Thus, claims 32 and 33 are novel and patentable over the cited references, and the current obviousness rejections do not apply to them.

Having addressed all the outstanding issues, this paper is believed to be fully responsive to the Office Action. It is respectfully submitted that the claims are in condition for allowance, and favorable action thereon is requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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